THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8234 of 2006

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the first respondent in not releasing the F.D.R.No.8184 dated 5.2.2002 as per the order of the second respondent vide proceedings Rc.No.288/2005L.S/360 dated 8.6.2005 as arbitrary, illegal and violative of principles of natural justice and consequently direct the respondents to release the FDR in favour of petitioner.

It appears, petitioner was an employee of the first respondent Bank. He joined the service on 27.10.1976 and worked at Kukatpally branch and also at Sanathnagar branch from 1998 to 26.9.2002 as Senior Assistant. Subsequently, he was placed under suspension on 7.10.2002 and later he was dismissed from service w.e.f. 26.6.2004. Apart from that, in view of the enquiry conducted under Section 51 of the A.P. Cooperative Societies Act, 1964, surcharge proceedings were initiated against the petitioner. While that being so, the money deposited by the petitioner under F.D.R.No.8184 dated 5.2.2002 for 91 days was attached by the respondents. However, on raising objections, the attachment order was raised, but the amount lying under the F.D.R. was not released in spite of several requests made by the petitioner. Hence the writ petition.

Now a detailed counter affidavit has been filed by the respondents stating that in view of pendency of surcharge proceedings against the petitioner, the F.D.R. was not released. This seems to be an unreasonable argument of the respondents. It is a fact that the F.D.R. was attached earlier in view of surcharge proceedings and the said attachment was raised. Once the attachment is raised in respect of F.D.R and the attachment against immovable property was being

continued, there is no legal hurdle in the way of the respondents in releasing the F.D.R. No.8184 dated 5.2.2002 in favour of the petitioner.

Therefore, the writ petition is disposed of directing the respondents to release the F.D.R. No.8184 dated 5.2.2002 in favour of petitioner forthwith. No order as to costs.

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C.V.RAMULU, J

Date: 29.12.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8234 of 2006

29.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.8234 of 2006

Date: 29th December, 2006

Between:

R.Sudarshan

.. Petitioner

And

The Hyderabad District Cooperative
Central bank Ltd., Nampally Station Road,
Hyderabad, rep. by its General Manager & another.

.. Respondents